

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

November 13, 2008

The Marlboro Township Council held a re-scheduled meeting of the Township Council of the Township of Marlboro on November 13, 2008 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this re-scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on August 8, 2008; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.
Absent: Marder.

Also present were: Mayor Jonathan L. Hornik, Jonathan L. Williams, Esq., Ron Gordon, Esq., Nancy Kist, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

Council Vice President Rosenthal moved that the minutes of October 16, 2008 be approved. This motion was seconded by Councilwoman Tragni and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

The following Resolution # 2008-342/Ord. # 2008-28 (As Amended) Amend Chapter 84 - Fences Certain Rear Yards on Vanderburg Road) was tabled to the December 4th agenda.

Council President Cantor opened the Public Hearing on Ordinance # 2008-30 (Amend Swim Pool Fees). As there was no one who wished to speak, the Public Hearing was closed.

The following Resolution # 2008-367/Ord. # 2008-30 (Amend Swim Pool Fees) was introduced by reference, offered Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-367

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-30 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132
"TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND
MARLBORO AQUATIC SWIMMING POOL FACILITY, MUNICIPAL" OF
THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on October 16, 2008, public hearing held November 13, 2008, be adopted on second and final reading this 13th day of November, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Cantor opened the Public Hearing on Ordinance # 2008-32 (As Amended) Amend Chapter 4 - Zoning Officer Responsible for Enforcing Lease Agreement). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2008-368/Ord. # 2008-32 (As Amended) Amend Chapter 4 - Zoning Officer Responsible for Enforcing Lease Agreement) was introduced by reference, offered Councilman LaRocca, seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-368

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-32 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4
"ADMINISTRATION OF GOVERNMENT", ARTICLE XII
"DEPARTMENT OF COMMUNITY DEVELOPMENT"
SECTION 4-88, "DIVISION ZONING CODE ENFORCEMENT"

TO EXPAND THE RESPONSIBILITIES OF THE ZONING/CODE
ENFORCEMENT OFFICER TO INCLUDE LEASE AGREEMENT ENFORCEMENT

which was introduced on October 16, 2008, public hearing held November 13, 2008, be adopted on second and final reading this 13th day of November, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Cantor opened the Public Hearing on Ordinance # 2008-35 (Amending Chapter 28 - Recreation Commission Members). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2008-369/Ord. # 2008-35 (Amending Chapter 28 - Recreation Commission Members) was introduced by reference, offered Council Vice President Rosenthal, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-369

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2008-35

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28
"RECREATION COMMISSION", DELETING SECTION 28-2
"MEMBERSHIP; TERMS OF OFFICE; REMOVAL FROM OFFICE;
VACANCIES" OF THE CODE OF THE TOWNSHIP OF MARLBORO
IN ITS ENTIRETY AND REPLACING IT WITH A NEW
SECTION 28-2, "MEMBERSHIP; TERMS OF OFFICE; REMOVAL
FROM OFFICE; VACANCIES", TO EXPAND THE COMMISSION
TO INCLUDE TWO ALTERNATE MEMBERS

which was introduced on October 16, 2008, public hearing held November 13, 2008, be adopted on second and final reading this 13th day of November, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Cantor opened the Public Hearing on Ordinance # 2008-36 (Authorizing Co-Location Sublease with Nextel for Emergency Radio Equipment at 14 Brush Neck Road). As there was no

one who wished to speak, the Public Hearing was closed. The following Resolution # 2008-370/Ord. # 2008-36 (Authorizing Co-Location Sublease with Nextel for Emergency Radio Equipment at 14 Brush Neck Road) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-370

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-36

AN ORDINANCE AUTHORIZING THE EXECUTION OF A
CO-LOCATION SUBLEASE AGREEMENT WITH
NEXTEL OF NEW YORK, INC. FOR THE INSTALLATION, OPERATION
AND MAINTENANCE OF UNMANNED RADIO COMMUNICATIONS
EQUIPMENT AT 14 BRUSH NECK ROAD IN MARLBORO TOWNSHIP

which was introduced on October 16, 2008, public hearing held November 13, 2008, be adopted on second and final reading this 13th day of November, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Cantor opened the Public Hearing on Ordinance # 2008-37 (Authorizing Co-Location Sublease with Nextel for Emergency Radio Equipment at 1979 Township Drive). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2008-371/Ord.# 2008-37 (Authorizing Co-Location Sublease with Nextel for Emergency Radio Equipment at 1979 Township Drive) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-371

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2008-37

AN ORDINANCE AUTHORIZING THE EXECUTION OF A
CO-LOCATION SUBLEASE AGREEMENT WITH
NEXTEL OF NEW YORK, INC. FOR THE INSTALLATION, OPERATION

AND MAINTENANCE OF UNMANNED RADIO COMMUNICATIONS
EQUIPMENT AT 14 BRUSH NECK ROAD IN MARLBORO TOWNSHIP

which was introduced on October 16, 2008, public hearing held November 13, 2008, be adopted on second and final reading this 13th day of November, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2008-372/Ord. # 2008-38 (Recreation Fees 2008) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-372

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-38

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 117 "RECREATIONAL FACILITIES" OF THE
CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 4, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-38

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 117 "RECREATIONAL FACILITIES" OF THE
CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro Recreation Commission is authorized and directed to arrange for the imposition of fees to defray a portion of the costs of the operation of various recreation programs within the Township; and

WHEREAS, the Marlboro Recreation Commission had provided the Mayor and Council with its recommendation, dated October 22, 2008 regarding proposed fees for recreation programs in Marlboro Township; and

WHEREAS, the Marlboro Recreation Commission has made the following recommendations:

- a. that the fee for the Basketball Program - All Grades increase from an amount not to exceed \$100.00 to an amount not to exceed \$150.00;
- b. that the fee for the Soccer Program - All Grades - remain unchanged, at an amount not to exceed \$175.00;
- c. that the fee for the Wrestling Program - All Grades - increase from an amount not to exceed \$100.00 to an amount not to exceed \$125.00;
- d. that the fee for Summer Camp increase from an amount not to exceed \$800.00 to an amount not to exceed \$850.00;
- e. that the fee for Travel Camp increase from an amount not to exceed \$900.00 to an amount not to exceed \$1,100.00;
- f. that the fee for Theater Camp increase from an amount not to exceed \$400.00 to an amount not to exceed \$600.00;
- g. that the fee for Open Gym - Youth - remain unchanged at an amount not to exceed \$75.00;
- h. that the fee for Open Gym - Adult - remain unchanged at an amount not to exceed \$75.00;
- i. that the fee for Passive Youth - remain unchanged at an amount not to exceed \$200.00;
- j. that the fee for Passive Adult - remain unchanged at an amount not to exceed \$200.00;
- k. that the fee for Special Needs Programs - increase from an amount not to exceed \$100.00 to an amount not to exceed \$150.00;
- l. that the fee for Seasonal Event Activities - remain unchanged at an amount not to exceed \$100.00;

m. that the fee for Private Contracted Programs - remain unchanged at an amount not to exceed \$25.00;

n. that the fee for Senior Citizen Activities - remain unchanged at an amount not to exceed \$150.00;

o. that the fee for Teen Activities - remain unchanged at an amount not to exceed \$100.00;

p. that the fee for Preschool - increase from an amount not to exceed \$300.00 to an amount not to exceed \$450.00;

q. that the fee for Aquatic Camp - remain unchanged at an amount not to exceed \$175.00;

r. that the fee for Tennis Program - remain unchanged at an amount not to exceed \$50.00;

s. that a new fee be established for Special Event Vendor Fees at an amount not to exceed \$250.00;

t. that a new fee be established for Lacrosse Program - All Grades - at an amount not to exceed \$150.00; and

WHEREAS, the Mayor and Council have reviewed the recommendations of the Marlboro Recreation Commission and concur with the recommendations of the Commission.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that Section 117-2 "Schedule of Fees for Recreational Programs" of Chapter 117 "Recreational Facilities" of the Code of the Township of Marlboro be and is hereby amended in its entirety to state as follows:

"§ 117-2 Schedule of Fees for Recreation Programs

The following fees are hereby established for those programs offered by the Recreation Commission:

A. Basketball Program - All Grades - Not to exceed \$150.00

B. Soccer Program - All Grades - Not to exceed \$175.00

C. Wrestling Program - All Grades - Not to exceed \$125.00

D. Summer Camp - Not to exceed \$850.00

- E. Travel Camp - Not to exceed \$1,100.00
- F. Theater Camp - Not to exceed \$600.00
- G. Open Gym - Youth - Not to exceed \$75.00
- H. Open Gym - Adult - Not to exceed \$75.00
- I. Passive Youth - Not to exceed \$200.00
- J. Passive Adult - Not to exceed \$200.00
- K. Special Needs Programs - Not to exceed \$150.00
- L. Seasonal Event Activities - Not to exceed \$100.00
- M. Private Contracted Programs - Not to exceed \$25.00
- N. Senior Citizen Activities - Not to exceed \$150.00
- O. Teen Activities - Not to exceed \$100.00
- P. Preschool - Not to exceed \$450.00
- Q. Aquatic Camp - Not to exceed \$175.00
- R. Tennis Program - Not to exceed \$50.00
- S. Special Event Vendor Fees - Not to exceed \$250.00
- T. Lacrosse Program - All Grades - Not to exceed \$150.00

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2008-373/Ord. # 2008-39 (Amending Chapter 113 - Grading, Drainage and Erosion) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-373

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-39

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 113 "PROPERTY MAINTENANCE" BY DELETING SECTION 113-6.1, "GRADING AND DRAINAGE" IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 113-6.1 ENTITLED "GRADING, DRAINAGE AND EROSION" TO SET FORTH REGULATIONS TO PREVENT THE ACCUMULATION OF STAGNANT WATER AND TO PREVENT THE EROSION OF SOILS ONTO THE PUBLIC RIGHT OF WAY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 4, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-39

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 113 "PROPERTY MAINTENANCE" BY DELETING SECTION 113-6.1, "GRADING AND DRAINAGE" IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 113-6.1 ENTITLED "GRADING, DRAINAGE AND EROSION" TO SET FORTH REGULATIONS TO PREVENT THE ACCUMULATION OF STAGNANT WATER AND TO PREVENT THE EROSION OF SOILS ONTO THE PUBLIC RIGHT OF WAY

WHEREAS, Section 113-6.1, Grading and Drainage, of the Code of the Township of Marlboro provides regulations setting forth a property owner's obligation to prevent the accumulation of stagnant water, but does not address erosion of soils onto the public right of way; and

WHEREAS, the Township of Marlboro desires to expand the scope of Section 113-6.1 to include regulations to prevent the erosion of soils onto the public right of way, as being in the best interests of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 113 Property Maintenance, Section 113-6.1, Grading and Drainage, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Section 113-6.1, Grading, Drainage and Erosion, to prevent the accumulation of stagnant water and to prevent the erosion of soils onto the public right of way as follows:

§ 113-6.1. Grading, Drainage and Erosion. All property in the Township shall be maintained so as to provide proper landscaping, grading and drainage to prevent the stagnation of water or the erosion of soils or sediments onto the public right of way.

- (1) For purposes of this Section the following terms shall have the meaning set forth herein:

"Erosion or Erode" shall mean the detachment, wearing away or movement of soil or rock fragments by the action of water, wind, ice or gravity.

"Sediment" shall mean soil material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by erosion.

"Soil" shall mean all unconsolidated mineral and organic material of whatever origin which overlies bedrock and which can be readily excavated.

"Stagnant water" shall mean rain water that remain on the surface of a property for more than two (2) days after the last recorded rainfall.

- (2) It shall be a violation of this Chapter for the owner of any property to allow stagnant water to exist on property in the Township. Violators of this section shall be subject to the fines and penalties set forth in §113-7, Violations and Penalties.
- (3) It shall be a violation of this Chapter for the owner of any property to allow soil or sediment to erode onto any public right of way. Violators of this section shall be

subject to the fines and penalties set forth in §113-7,
Violations and Penalties.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2008-374 (Transfers) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-374

RESOLUTION AUTHORIZING BUDGET TRANSFERS
DURING LAST TWO MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2008 Municipal Budget as follow:

From:

Clerk OE	5,000.00
Worker's Compensation Insurance	7,500.00
Police S&W	20,000.00
Drug Abuse OE	2,000.00

Gasoline OE 19,750.00

To:

Mayor OE	500.00
Planning OE	12,000.00
Zoning OE	13,000.00
Solid Waste / Recycling S&W	2,000.00
Water OE	11,000.00
Drug Abuse S&W	2,000.00
Tax Collection OE	3,500.00
PERS Pension	10,250.00
Totals	54,250.00 54,250.00

The following Res. # 2008-375 (Bond Release Goddard School Site Plan) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-375

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEES FOR L & V SCHOOL ROAD, LLC/GODDARD SCHOOL
SITE PLAN, BLOCK 220, LOT 3 AND BLOCK 221, LOT 1,
15 SCHOOL ROAD EAST, MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for the release of Township held Performance Guarantees for Site Improvements for the L & V School Road, LLC/Goddard School Site Plan, Block 220, Lot 3 and Block 221, Lot 1, 15 School Road East, Marlboro, New Jersey posted by Developer L & V School Road, LLC ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 20, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees in the amount of \$220,000.00, of which \$200,000.00 has been posted as a Letter of Credit and \$20,000.00 has been posted as Cash, and which amounts are being held by the Township, may be released in their entirety subject to Developer paying all outstanding inspection fee charges to the time of the performance guarantee release, plus payment to the Township of a maintenance

period inspection fee of \$500.00 and the posting to the Township of a maintenance and inspection guarantee fee in the amount of \$33,276.00 and, as required by Condition #8 of the November 13, 2002 Zoning Board Resolution of Approval, the contribution of \$19,500.00 to be deposited in the Township Tree Bank fund as compensation for tree removal of Phase I of the Site Plan; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantees, Letter of Credit and Cash.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantees posted by Developer L & V School Road, LLC/Goddard School for the site improvements for the L & V School Road, LLC/Goddard School Site Plan, Block 220, Lot 3 and Block 221, Lot 1, 15 School Road East, Marlboro, New Jersey, shall be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon Developer L & V School Road, LLC/Goddard School's payment of all outstanding inspection fee charges to the time of the performance guarantee release, plus payment of a maintenance period inspection fee of \$500.00 and the posting to the Township of a maintenance and inspection guarantee fee in the amount of \$33,276.00 and, as required by Condition #8 of the November 13, 2002 Zoning Board resolution of approval, the contribution of \$19,500.00 to be deposited in the Township Tree Bank fund as compensation for tree removal of Phase I of the Site Plan; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. L & V School Road, LLC
- b. Community Bank of New Jersey
- c. Mayor Hornik
- d. Township Business Administrator
- e. Township Engineers
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-376 (Bond Reduction Chelsea Square) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal. After discussion, the resolution was defeated on a roll call vote of 0 - 4 (Absent: Marder).

The following Res. # 2008-377 (Approving Reimbursement of expenses associated with remediation of sinkhole - 158 Yorkshire Drive) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilman La Rocca. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-377

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENSES
FOR THE REMEDIATION OF SINK HOLE HAZARDS FOR
158 YORKSHIRE DRIVE, MARLBORO, NEW JERSEY FROM
FUNDS APPROPRIATED FOR SUCH PURPOSES BY ORDINANCE #2004-23

WHEREAS, the Township of Marlboro, by Ordinance #2004-23, adopted on October 28, 2004, appropriated funds in the amount of \$83,877.53 for the purpose of providing funds (the "Appropriated Funds") to be used for the investigation and remediation of sink holes on properties located in the Bolling Brook/Country Hills Subdivision (the "Subdivision"); and

WHEREAS, Ordinance #2004-23 specifies that the remediation amount for any one applicant shall be equal to the lesser of all remediation costs, or, \$7,500.00, and that under no circumstances shall an amount more than \$7,500.00 be paid out in respect of any subdivision lot; and

WHEREAS, Ordinance #2004-23 conditions the reimbursement of such funds upon the Township Chief Financial Officer's review and approval of such application for reimbursement; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 28, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, CME has reviewed the application for reimbursement of funds for the amount of \$7,500.00 from the owner of Block 140, Lot 22 158 Yorkshire Drive, Marlboro, New Jersey, for sink hole remediation, and, upon confirmation of the remediation and monies expended by the resident for same, recommends that such request for reimbursement be approved; and

WHEREAS, the Township Council now wishes to take the following action regarding the reimbursement of monies for remediation of sink

hole hazards at the property known as Block 140, Lot 22 158
Yorkshire Drive, Marlboro, New Jersey.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the amount of \$7,500.00 from the Appropriated Funds (as defined hereinabove), be paid to the owner of Block 140, Lot 22 158 Yorkshire Drive, Marlboro, New Jersey for the remediation of sink hole hazards at the subject property in accordance with the provisions of Ordinance #2004-23; and

BE IT FURTHER RESOLVED, that the reimbursement of such funds is conditioned upon the review and approval of the Chief Financial Officer of the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Peter Delia
- b. Mayor Hornik
- c. Township Business Administrator
- d. Chief Financial Officer
- e. Township Engineers
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-378 (Approving reimbursement of expenses associated with remediation of sinkhole - 305 Wembley Place) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-378

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENSES
FOR THE REMEDIATION OF SINK HOLE HAZARDS FOR
305 WEMBLEY PLACE, MORGANVILLE, NEW JERSEY
FROM FUNDS APPROPRIATED FOR SUCH
PURPOSES BY ORDINANCE #2004-23

WHEREAS, the Township of Marlboro, by Ordinance #2004-23, adopted on October 28, 2004, appropriated funds in the amount of \$83,877.53 for the purpose of providing funds (the "Appropriated Funds") to be used for the investigation and remediation of sink holes on properties located in the Bolling Brook/Country Hills Subdivision (the "Subdivision"); and

WHEREAS, Ordinance #2004-23 specifies that the remediation amount for any one applicant shall be equal to the lesser of all remediation costs, or, \$7,500.00, and that under no circumstances shall an amount more than \$7,500.00 be paid out in respect of any subdivision lot; and

WHEREAS, Ordinance #2004-23 conditions the reimbursement of such funds upon the Township Chief Financial Officer's review and approval of such application for reimbursement; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 28, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, CME has reviewed the application for reimbursement of funds for the amount of \$7,500.00 from the owner of Block 142.01, Lot 9, 305 Wembley Place, Morganville, New Jersey, for sink hole remediation, and, upon confirmation of the remediation and monies expended by the resident for same, recommends that such request for reimbursement be approved; and

WHEREAS, the Township Council now wishes to take the following action regarding the reimbursement of monies for remediation of sink hole hazards at the property known as Block 142.01, Lot 9, 305 Wembley Place, Morganville, New Jersey.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the amount of \$7,500.00 from the Appropriated Funds (as defined hereinabove), be paid to the owner of Block 142.01, Lot 9, 305 Wembley Place, Morganville, New Jersey, for the remediation of sink hole hazards at the subject property in accordance with the provisions of Ordinance #2004-23; and

BE IT FURTHER RESOLVED, that the reimbursement of such funds is conditioned upon the review and approval of the Chief Financial Officer of the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Robert Liotta
- b. Mayor Hornik

- c. Township Business Administrator
- d. Chief Financial Officer
- e. Township Engineers
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-379 (Amending Res. 2008-174 - Authorizing Revocable Property Use License - B. 214.03, L. 18) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-379

A RESOLUTION AMENDING RESOLUTION # 2008-174 AUTHORIZING A REVOCABLE PROPERTY USE LICENSE OVER A PORTION OF PROPERTY KNOWN AS BLOCK 214.03, LOT 18 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, STATE OF NEW JERSEY

WHEREAS, on May 15, 2008, the Township of Marlboro adopted Resolution #2008-174 authorizing a revocable property use license over a portion of property known as Block 214.03, Lot 18 (the "Township Property"); and

WHEREAS, the Township property is adjacent to property known as Block 214.03, Lot 56, Township of Marlboro, New Jersey; and

WHEREAS, Resolution #2008-174 contained a typographical error and designed the property adjacent to the Township Property as Block 514.03, Lot 569, requiring an amending Resolution; and

WHEREAS, the Township desires to grant a Revocable Property Use License to the owners of Block 214.03, Lot 56 for the reasons set forth in Resolution #2008-174.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a Revocable Property Use License Agreement over a portion of Township Property known as Block 214.03, Lot 18, Township of Marlboro, New Jersey, to the owners of property located at Block 214.03, Lot 56, Township of Marlboro, New Jersey be and is hereby authorized in a form substantially similar to that attached hereto; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution and notice shall be provided to each of the following:

- a. Agostino and Anna Giancaspro
- b. Mayor Jonathan Hornik
- c. Township Administrator
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-380 (Award of Contract - 2008 De-icing Agents) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-380

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF
DE-ICING AGENTS THROUGH BIDS OBTAINED BY THE
MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Marlboro Township Public Works Department has recommended that the Township purchase de-icing agents for use by the Township through the use of bids obtained by the Monmouth County Cooperative Purchasing Program; and

WHEREAS, the Township is authorized to purchase de-icing agents from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to International Salt Company of Clarks Summit, Pa., for the provision of sodium chloride treated with magnesium chloride liquid at a price of \$83.93 per ton and for the provision of sodium chloride at a price of \$66.43 per ton; and

WHEREAS, the Public Works Department has indicated that International Salt Company has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase de-icing agents; and

WHEREAS, funds are available in Account Number 8-01-119-275 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of (1) sodium chloride treated with magnesium chloride liquid at a price of \$83.93 per ton and (2) sodium chloride at a price of \$66.43.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase sodium chloride treated with magnesium chloride liquid at a price of \$83.93 per ton and (2) sodium chloride at a price of \$66.43 from International Salt Company; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. International Salt Company, Clarks Summit, PA.
- b. Township Administrator
- c. Township Building Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-381 (Award of Contract - Snow Removal Services Section 1) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-381

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE WINTER OF 2008/2009 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) FOR SECTION ONE OF THE TOWNSHIP BY NEGOTIATED PRICE AS PERMITTED BY N.J.S.A. 40A:11-5(3).

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of Snow Removal Services for the winter of 2008/2009 for Sections 1 through 9 in the Township of Marlboro and two (2) bids were received on July 8, 2008; and

WHEREAS, neither bidder on July 8, 2008 submitted a bid for Section 1 in the Township of Marlboro; and

WHEREAS, based upon the foregoing the Township determined in Resolution #2008-267 adopted on August 7, 2008 to authorize the re-bid for Section 1, as well as other Sections for which either no bid was received, or the bids received were deemed to be unresponsive to the specifications; and

WHEREAS, on August 26, 2008, three (3) bids were received for Snow Removal Services, however no bid was received for Section 1 in the Township of Marlboro; and

WHEREAS, based upon the foregoing the Township determined in Resolution #2008-310 adopted on September 4, 2008 to authorize the negotiation of prices for the Provision of Snow Removal Services for Sections 1, as well as other Sections for which either no bid was received, or the bids received were deemed unresponsive to the specifications as permitted by N.J.S.A. 40A:11-5(3); and

WHEREAS, on October 16, 2008 the Township determined in Resolution #2008-360 to award bids for snow removal services for certain sections of the Township of Marlboro pursuant to the recommendation of the Department of Public Works, however, the Department of Public Works was unable at that same place and time to provide a recommendation for Section 1; and

WHEREAS the by memo dated November 5, 2008, the Department of Public Works has recommended the award of a Snow Removal Services Contract for Section 1 to L.J. Pesce, Inc., of Holmdel, NJ and has tabulated the apportionment of services estimated to be required for the winter 2008/2009 as follows:

<u>Year/Hours</u>	<u>Rate/Hr</u>	<u># of Vehicles</u>	<u>Set up Fee</u>	<u>Total Award</u>
2008/10 8,100.00	\$180.00	4	\$900.00	\$
2009/30	\$180.00	4	n/a	\$21,600.00

WHEREAS, funds are available in Account Number 8-01-119-276 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a contract for snow removal in Section 1 of the Township of Marlboro pursuant to the recommendation of the Town Administration and Department of Public Works as set forth above.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a contract be awarded to L.J. Pesce, Inc., of Holmdel, NJ for Section 1 for the Provision of Snow Removal Services for the winter of 2008/2009

at an hourly rate of \$180.00 per hour per vehicle, plus a one time set up fee of \$900.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. L.J. Pesce, Inc.
- b. Mayor Jonathan Hornik
- c. Township Administrator
- d. Township Director, Dept. of Public Works
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder): Res. #2008-382 (Redemption Tax Sale Certs. - Various), Res. #2008-383 (Raffle License Monmouth County Education Assoc. - Philanthropic Fund - Off Premise Merchandise) and Res. #2008-384 - Raffle License Collier Service (On Premise 50/50).

RESOLUTION # 2008-382

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$131,846.16 per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$131,846.16 be refunded to the certificate holders as per Schedule "A",

RESOLUTION # 2008-383

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 20-08/09 (Off Premise Merchandise) be and it is hereby granted to Monmouth County Education Association Philanthropic Fund, 28 Buckley Road, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held

on April 2, 2009 at 5 PM at 28 Buckley Road, Marlboro, NJ 07746.

RESOLUTION # 2008-384

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 21-08 (On Premise 50/50) be and it is hereby granted to Collier Services, 160 Conover Road, Wickatunk, NJ 07765.

BE IT FURTHER RESOLVED that said Raffle will be held on December 5, 2008 at 8 PM at Collier Services, 160 Conover Road, Wickatunk, NJ 07765.

The following Res. # 2008-388 (Change Meeting Date December 15 to December 11, 2008) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-388

BE IT RESOLVED by the Township Council of the Township of Marlboro that the regularly scheduled Council Meeting of December 15, 2008 be changed to December 11, 2008 at the usual time and place, 8 PM, Town Hall, 1979 Township Drive, Marlboro, New Jersey.

The following Res. # 2008-324 (Tabled 9/25) Bond Release Crine Woods Section 2) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-324

RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE
GUARANTEE FOR CRINE WOODS - SECTION 2,
BLOCK 193, LOT 50, MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for the release of the Township held Performance Guarantee for Site Improvements at Crine Woods - Section 2, Block 193, Lot 50, Marlboro, New Jersey, posted by Developer Crine Realty, Inc. ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 29, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee in the amount of \$109,020.00, which has been posted as a bond, No. S03625, being held by the Township may be released in its entirety subject to Developer paying all outstanding inspection fee charges from the time of the Performance Guarantee release; and

WHEREAS, the report notes that the bond to be released, i.e., Bond S03625, is replaced by Bond No. S03703 in the amount of \$1,440,401.00 for any remaining site work at Crine Woods - Section 2; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee, Bond No. S03625.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee Bond No. S03625 described hereinabove posted for the site improvements at Crine Woods - Section 2, Block 193, Lot 50, Marlboro, New Jersey, by Developer Crine Realty, Inc. shall be released in its entirety.

BE IT FURTHER RESOLVED, that the release of the Performance Guarantee is conditioned upon the Developer, Crine Realty, Inc. paying all outstanding inspection fees charges from the time of the Performance Guarantee release.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Crine Realty, Inc.
- b. First Indemnity of America Insurance Company
- c. Mayor Hornik
- d. Township Business Administrator
- e. Township Engineers
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-325 (Tabled 9/25) Bond Release Restoration Bond) was introduced by reference, offered by Councilman LaRocca, and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-325

RESOLUTION AUTHORIZING RELEASE OF THE RESTORATION BOND FOR CRINE WOODS - SECTION 2, BLOCK 193, LOT 50, MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for the release of the Township held Restoration Bond for Site Improvements at Crine Woods - Section 2, Block 193, Lot 50, Marlboro, New Jersey, posted by Developer Crine Realty, Inc. ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated August 29, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Restoration Bond, No. A07524, being held by the Township may be released in its entirety, subject to Developer paying all outstanding inspection fee charges from the time of the Restoration Bond release; and

WHEREAS, the report notes that the Restoration Bond A07524 to be released is replaced by Bond No. S03703 in the amount of \$1,440,401.00 for any remaining site work at Crine Woods - Section 2; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Restoration Bond No. No. A07524.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Restoration Bond No. A07524 described hereinabove and posted for the site improvements at Crine Woods - Section 2, Block 193, Lot 50, Marlboro, New Jersey, by Developer Crine Realty, Inc. shall be released in its entirety.

BE IT FURTHER RESOLVED, that the release of the Restoration Bond No. A07524 is conditioned upon the Developer, Crine Realty, Inc. paying all outstanding inspection fees charges from the time of the Restoration Bond release.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Crine Realty, Inc.
- b. First Indemnity of America Insurance Company
- c. Mayor Hornik
- d. Township Business Administrator
- e. Township Engineers
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Council discussed Res. #2008-353 (Bond Reduction Triangle Valley/Saratoga Estates). Scott Smith, Esq., representing K. Hovnanian, was present and answered Council's questions. Township Engineer Ernest Peters reported on various issues which had not been addressed by the developer. After discussion, Councilman LaRocca motioned to table Res. # 2008-353 - (Tabled 10/16) Bond Reduction Triangle Valley/Saratoga Estates) to the December 11th meeting. This was seconded by Council Vice President Rosenthal and motion to table was passed on a 4 - 0 vote in favor (Absent: Marder).

The following Res. # 2008-385 (Cancellation of Capital Ordinances) was introduced by reference, offered by Council Vice President Rosenthal, and seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-385

WHEREAS, certain ordinances exist on the financial records of the Township of Marlboro, Monmouth County, State of New Jersey with both funded and unfunded balances, and

WHEREAS, the purposes for which these projects or ordinances were originally passed are either complete or deemed no longer necessary, and

WHEREAS, it is the desire of the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to cancel these ordinances and remove the unfunded authorizations from the Township debt and funded balances to capital surplus.

NOW, THEREFORE, BE IT RESOLVED, that the Capital Ordinances listed below are hereby cancelled in the amounts listed.

Ordinance Number	Purpose	Funded Balance	Unfunded Balance
28-00 / 03-05	Various Capital Imps	351,822.98	
2001-18	Recreation Pool	58,749.45	
2002-7	Municipal Pool	57,409.46	
2003-4	Hospital Acquisition Study	202.5	
Total		468,184.39	0.00

The following Res. # 2008-386 (Designation of Redevelopment area - B.180, L. 14) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2008-386

A RESOLUTION DECLARING LAND KNOWN AS BLOCK 180, LOT 14,
TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY,
AN AREA IN NEED OF REDEVELOPMENT IN ACCORDANCE
WITH N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A.40A:12A-1 et seq., a municipality may, by resolution, determine that a proposed area is in need of redevelopment, provided that the statutory criteria is established after an investigation and hearing pursuant to law; and

WHEREAS, prior to consideration of this Resolution, the Township Council of the Township of Marlboro by Resolution #2008-268 dated August 7, 2008, requested that the Marlboro Township Planning Board undertake a preliminary investigation to determine if the premises known as Block 180 Lot 14 in on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey, (the "Premises") is an area in need of redevelopment pursuant to N.J.S.A.40A:12A-3, 5 and 6; and

WHEREAS, Heyer, Gruel & Associates, professional planning consultants, undertook a Redevelopment Study of the Premises (the "Redevelopment Study") and issued a report dated September 2008 which reports serves as a "statement setting forth the basis for the investigation", as required by N.J.S.A.40A:12A-6; and

WHEREAS, the Redevelopment Study determined that the Premises qualifies as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. for the reasons set forth in the Redevelopment Study; and

WHEREAS, pursuant to law, the Marlboro Township Planning Board held a public hearing on November 5, 2008 giving all persons who are interested in or who would be affected by a determination that the delineated lands are an area in need of redevelopment, an opportunity to be heard, and has recommended to the Township Council of the Township of Marlboro that the Premises known as Block 180 Lot 14 in, as shown on the Official Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey be declared an area in need of redevelopment pursuant to the provisions of N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to N.J.S.A.40A:12A-1 et seq., the Township Council of the Township of Marlboro hereby finds that Block 180 Lot 14 on the Official Tax Map of the Township of Marlboro in the County of Monmouth and State of New Jersey, is an area in need of redevelopment, because it is owned by the Township of Marlboro and that by reason of its location, remoteness, lack of means of access to developed portions of the Township or topography or nature of the soil, it is not likely to be developed through the instrumentality of private capital.

NOW THEREFORE BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Premises known as Block 180 Lot 14 in on Official the Tax Map of the Township of Marlboro in the County of Monmouth and State of New Jersey, is hereby designated as an area in need of redevelopment for the reasons set forth above and incorporated herein by reference.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan L. Hornik
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Marlboro Township Planning Board

- e. Commissioner, Department of Community Affairs
- f. Any person who filed a written objection to the determination of an area in need of redevelopment

At 10:10PM, Council Vice President Rosenthal moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Marder). Recess was called and the executive session reconvened at 10:30PM.

RESOLUTION # 2008-387

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 13th day of November, 2008 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:45PM, Council President Cantor moved that the meeting be opened. This was seconded by Council Vice President Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Marder).

At 10:46PM, Council Vice President Rosenthal moved that the meeting be adjourned. This was seconded by Council President Cantor, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Marder).

OFFERED BY: Tragni

AYES: 4

SECONDED BY: La Rocca

NAYS: 0

ABSTAIN: Marder

ALIDA MANCO
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL PRESIDENT